

06-16-06

DAC  
JEW



P.O. Box 12372  
Atlanta, GA 30355

June 15, 2006

**VIA EXPRESS MAIL;  
FAX: 571-273-8300**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Re: Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181(a)**  
**Application Number 10/613,644**

To Whom It May Concern:

On April 19, 2006, the USPTO mailed a Notice of Abandonment Under 37 CFR 1.53 (f) or (g) with regard to Application Number 10/613,644 ("Application"). Please accept this letter as a formal Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181(a).

**STATEMENT OF THE FACTS**

On October 2, 2003, the USPTO mailed a Notice to File Corrected Application Papers ("Notice"), attached hereto as Exhibit "A" with regard to the Application. The Notice required two informalities to be corrected: 1) submission of a substitute specification due to the inability of the specification to be scanned or properly stored due to line spacing, and 2) additional claim fees of \$126. Thereafter on November 10, 2003, I responded to the Notice ("Reply") by submitting 1) a 1 ½ spaced substitute specification and 2) a check for \$126 to cover the additional fees, the cover letter of my reply is attached hereto as Exhibit "B".

On or about November 17, 2003, I received the self-addressed stamped index card, attached hereto as Exhibit "C" confirming receipt by the USPTO of the Reply. At that point, I believed I had adequately addressed the informalities having fully complied with the Notice, and awaited confirmation thereof.

Thereafter, on or about December 15, 2003, I received a second Formalities Letter, a Notice of Incomplete Reply ("Second Notice"), attached hereto as Exhibit "D", from the USPTO. The Second Notice required the following item: 1) additional claim fees of \$43 as a small entity. Having fully complied with the first Notice in particular having already sent in a check for \$126, it perplexed me that the Second Notice was requiring another \$43 for the same item which I had already sent in \$126. Therefore, on December 15, 2003, I immediately called the USPTO to resolve this matter. I spoke to a person at the USPTO, Eleanor Kurtz, who looked

into the matter. She had reviewed the matter, determined that the fees owed as stated in the Second Notice was incorrect and miscalculated, and that the miscalculation was due to a small fee increase that had occurred in the interim period. She told me that I had properly mailed in \$126, that an additional \$43 in fees was not owed, but \$3 in fees was owed due to a fee increase of one dollar per claim. She told me that it would be taken care of immediately if I faxed a Credit Card Payment Form with the payment. Therefore, that very same day I arranged with her to pay the additional \$3 by faxing the cover letter and credit card payment form as seen in Exhibit "E", as attached hereto. Please note the Description of Request and Payment Information states "Increase in fees of \$1/claim; 3 claims x \$1=\$3.00." From that point, I believed the matter had been fully resolved. Now, two and one-half (2 ½) years later, I receive from the USPTO, to my surprise, the aforesaid Notice of Abandonment.

**ACTION REQUESTED**

Due to the facts stipulated above I humbly request the USPTO to immediately withdraw the holding of abandonment under 37 CFR 1.181(a). For two and one-half (2 ½) years I believed that the USPTO had been examining the Application. I note to you that all my actions were in good faith belief that that I had properly and fully replied to the original Notice, and paid all necessary filing fees. If there are any fee amounts due at this time, please inform me and I will have any such amounts paid immediately, provided such fees amounts are legitimately charged. However, I do not believe any such amounts are due as I fully paid all required fees.

Please let me know as soon as possible your determination with regard to this matter as I am anxious to have immediate resolution to this matter, and will take all necessary actions to remedy the outcome of the prosecution of the Application. I have attached hereto an affidavit stating that the facts stipulated in this petition are true to the best of my knowledge and belief.

Lastly, I wish to thank Ms. D. Grant who graciously and professionally advised me on the phone as to the petition procedures. Thank you for your time and cooperation in this matter.

Sincerely,



Raghu R. Raju  
Reg. #47,880

Enclosures



**AFFIDAVIT**

STATE OF GEORGIA

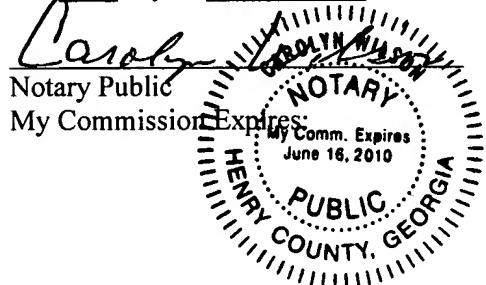
COUNTY OF FULTON

PERSONALLY APPEARED before the undersigned duly authorized to administer oaths,  
RAGHU R. RAJU, who, after being duly sworn states the following:

That the facts and statements stipulated in the letter to the USPTO dated June 15, 2006  
which is a Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181(a) for  
application number 10/613,644 are true to the best of my knowledge and belief.

  
RAGHU R. RAJU  
Reg. # 47,880

Sworn to and subscribed before me,  
this 15 day of JUNE, 2006.





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/613,644	07/03/2003	Garrett Henley Barnes	0015-0001

**CONFIRMATION NO. 4623**  
**ABANDONMENT/TERMINATION**  
**LETTER**

35483  
 RAJU LAW FIRM, LLC  
 P.O. BOX 12372  
 ATLANTA, GA 30355

Date Mailed: 04/19/2006

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/02/2003.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*P/3C*  
*A copy of this notice **MUST** be returned with the reply.*

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



## EXHIBIT "A"

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/613,644	07/03/2003	Garrett Henley Barnes	0015-0001

35483  
 RAJU LAW FIRM, LLC  
 P.O. BOX 12372  
 ATLANTA, GA 30355

CONFIRMATION NO. 4623  
**FORMALITIES LETTER**



\*OC000000010961856\*

Date Mailed: 10/02/2003

### NOTICE TO FILE CORRECTED APPLICATION PAPERS

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

#### Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of \$126 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$126 for a Small Entity

- Total additional claim fee(s) for this application is \$126
  - \$126 for 3 independent claims over 3 .

Replies should be mailed to: Mail Stop Missing Parts

**EXHIBIT "A"**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



EXHIBIT "B"

**RAJU LAW FIRM, LLC**

P.O. Box 12372  
Atlanta, GA 30355  
404-816-8527  
404-816-8526 fax  
[raju@rajulaw.com](mailto:raju@rajulaw.com)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 10, 2003

Dear Examiner:

In response to the Formalities Letter dated 10/02/2003, enclosed you will find the following:

1. a 1 ½ spaced substitute specification (16 pages + 2 pages drawings) for application number 10/613,644, and
2. a check for \$126 for 3 independent claims over <sup>1</sup>3,
3. a copy of the Formalities Letter,
4. Self-addressed stamped index card confirming receipt of the above.

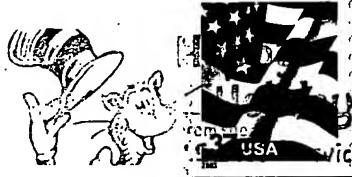
Thank you for your time.

Truly,

A handwritten signature in black ink, appearing to read "Raghu R. Raju".

Raghu R. Raju  
Registration No. 47,880

**EXHIBIT "C"**



Raju Law Firm  
P.O. Box 12372  
Atlanta, Georgia 30355

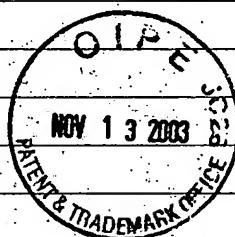
36353+2372

**EXHIBIT "C"**

Received

- 1) Substitute Specification (16 pages) 1 1/2 spaced  
2) #120 (3 independent claims over 3)

+ 2 pages Drawings



**EXHIBIT "D"****UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/613,644	07/03/2003	Garrett Henley Barnes	0015-0001

35483  
 RAJU LAW FIRM, LLC  
 P.O. BOX 12372  
 ATLANTA, GA 30355

**CONFIRMATION NO. 4623**  
**FORMALITIES LETTER**



\*OC000000011475208\*

Date Mailed: 12/12/2003

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 11/13/2003 to the Notice to File Missing Parts (Notice) mailed 10/02/2003 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$43 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$43 for a Small Entity

- Total additional claim fee(s) for this application is \$43

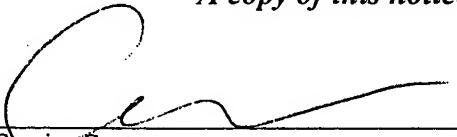
- \$43 for 3 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

**EXHIBIT "D"**

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**EXHIBIT "E"**

**Raju Law Firm, LLC**  
**www.rajulaw.com**

**FAX TRANSMITTAL**

**Phone (404) 816-8527**  
**FAX (404) 816-8526**

**TO:** Eleanor Kurtz  
**FAX #:** (703) 308-5806  
**FROM:** Raghu R. Raju  
**DATE:** December 15, 2003

**Number of page including cover: 2**

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**MESSAGE:** Thank you Eleanor for solving this matter. The credit card form for \$3.00 follows as you have requested. Thank you again. Truly, Raghu R. Raju, Reg. No. 47,880.